

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONITA MARIE HERRERA,

Defendant.

CR 13-60-BLG-DWM

ORDER

United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation in this matter on September 9, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

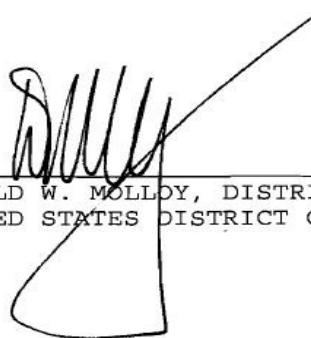
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Ostby recommended this Court accept Donita Marie Herrera's guilty plea after Herrera appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered her plea of guilty to the superseding information, which charges the crime of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

I find no clear error in Judge Ostby's Findings and Recommendation (doc. 24), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Donita Marie Herrera's motion to change plea (doc. 14) is GRANTED and her plea of guilty is accepted and she is now adjudged guilty of the crime of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

DATED this 13th day of September, 2013.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT